

Application No. 09/770,198

REMARKS

Claims 1-7, 9-12, 14 and 15 are pending. By this Amendment, claims 8, 13, 16 and 17 are cancelled without prejudice to or disclaimer of the subject matter contained therein, and claims 1, 9, 12 and 14 are amended. No new matter is added by these amendments.

Applicants gratefully acknowledge that the Final Office Action indicates that claims 6, 8-10, 13 and 14 contain allowable subject matter. As such, Applicants amend claims 1 and 12 to recite the features of claims 8 and 13, respectively and correct the dependency of claims 9 and 14. Reconsideration based on the following remarks is respectfully requested.

I. Amendment Entry after Final Rejection

Entry of this amendment is proper under 37 CFR §1.116 because the amendments: a) place the application in condition for allowance (for all the reasons discussed herein); b) do not raise any new issues requiring further search or consideration; c) place the application in better condition for appeal (if necessary); and d) address formal requirements of the Final Rejection and preceding Office Action.

The subject matter of the allowable dependent claims have been incorporated into the rejected independent claims. In addition, two dependent claims are amended to change their dependency from the canceled dependent claims to the claims which have been amended to incorporate their features. Accordingly, entry of this Amendment is appropriate under §1.116 and respectfully requested.

II. Request for Acknowledgement that References are Considered of Record

An Information Disclosure Statement with Form PTO-1449 was filed on June 12, 2003. Applicants have not yet received back from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the cited disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449. For the convenience of the Examiner, a copy of that form and the PTO date-stamped receipt is attached.

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III. Claims 1-5, 7, 11, 12 and 15 Define Patentable Subject Matter

The Final Office Action rejects claims 1-5, 7, 11, 12 and 15-17 under 35 U.S.C. §103(a) over U.S. Patent 6,166,449 to Takaoka *et al.* (Takaoka) in view of U.S. Patent 5,867,009 to Kiuchi *et al.* (Kiuchi).

This rejection has been rendered moot by the incorporation of the features of claims 8 and 13 into claims 1 and 12, respectively, and by the cancellation of claims 16 and 17. Applicants respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited. Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Attachments:

Petition for Extension of Time
Copy of earlier filed PTO-1449
Copy of stamped receipt for Information Disclosure Statement

Date: August 29, 2003

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